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ABSTRACT

This report provides an analysis of those portions of the Americans with Disabilities Act (ADA) and related legislation relevant to the career preparation and employment status of individuals with cognitive impairments. It reviews government-sponsored evaluations and professional research in specific areas of labor and education and reports on a national survey of 73 program providers about individualization practices in transition and supported employment programs. The report's general findings are as follows: (1) educational and employment preparation program outcomes for individuals with disabilities in the United States are not promising; (2) efforts regarding compliance with reasonable accommodation requirements of the ADA Title I have focused on architectural modifications rather than other work site modifications (e.g., programmatic); (3) a well-articulated process of individualization and a bank of useful accommodation practices exist and can be used for employees with cognitive impairments; (4) transition and supported employment programs often incorporate useful accommodation strategies at the worksite; and (5) greater coordination with the hundreds of relevant federal and state programs is needed. Recommendations for policymakers, business and industry leaders, school system personnel, and the disability community are offered. Appendices include the questionnaire used in the survey of program providers and a description of the National Council on Disability. (DB)

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COGNITIVE IMPAIRMENTS AND THE APPLICATION OF TITLE I OF THE AMERICANS WITH DISABILITIES ACT

National Council on Disability

January 26, 1996

ED 392 210

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National Council on Disability

COGNITIVE IMPAIRMENTS AND THE APPLICATION OF TITLE I OF THE AMERICANS WITH DISABILITIES ACT

Publication date: January 26, 1996

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NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

TRANSMITTAL LETTER

January 26, 1995

The President
The White House
Washington, DC 20500

Dear Mr. President:

In a continuing effort to provide you and Members of Congress with advice and recommendations to further the goals of the Americans with Disabilities Act (ADA), I am pleased to provide you with the National Council on Disability's (NCD) latest report, *Cognitive Impairments and the Application of Title I of the Americans with Disabilities Act*.

This report reflects NCD's commitment to and interest in determining the relationships among ADA, select national policies and program initiatives, and the career preparation and employment status of individuals with cognitive impairments. The report provides an analysis of relevant sections of ADA and related legislation, a review of government-sponsored evaluations and professional research in specific areas of labor and education, and a national survey about individualization practices in transition and supported employment programs.

NCD looks forward to working with you to ensure that the promises of ADA are fully realized for all people with disabilities and their families, including individuals with cognitive impairments.

Sincerely,

Marca Bristo
Chairperson

(This same letter was sent to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.)

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EXECUTIVE SUMMARY

The history of the United States has been marked by a constant evolution to open more doors, break down more barriers, and extend basic human rights to more and more people. In 1863, a century after the Declaration of Independence, Abraham Lincoln abolished slavery. Some 60 years later, in 1919, women won the right to vote. In 1964, the Civil Rights Act said "no" to discrimination based on race, color, national origin, sex, and religion. Just three years later, the Age Discrimination in Employment Act (ADEA) barred workplace bias against older Americans.

It has been up to each generation in the United States to make good the promises of our founders, to extend constitutional rights to all Americans. In 1989, despite the fears, anxieties, prejudices, and myths surrounding its development—much like the misgivings surrounding the abolition of slavery, women's right to vote, etc.—the Americans with Disabilities Act (ADA) was introduced in Congress. Preliminary discussions about the potential applicability of ADA to all people with disabilities began during the 1989 legislative debates.[1] In striving to eliminate discrimination against all persons with disabilities, ADA's chief sponsor made it clear that the Act's definition of an individual with a disability was meant to be all-encompassing, including people with developmental disabilities—such as mental retardation.[2] After the Act's passage in 1990,

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[1] Senate Committee on Labor and Human Resources Report. **The Americans with Disabilities Act of 1989**. S. Rep. 101-116. Washington, DC: Author.

[2] Senate Committee on Labor and Human Resources Report. **The Americans with Disabilities Act of 1989**. S. Rep. 101-116. Washington, DC: Author.

professional discussion began to address the potential and practical consequences of ADA's implementation, particularly with regard to persons with mental disabilities.[3]

The National Council on Disability (NCD) has been actively involved with ADA since its 1986 recommendation to Congress for a comprehensive law requiring equal opportunity for individuals with disabilities. In 1992, NCD sponsored an ADA Watch project to monitor and evaluate the law's first year of implementation. This project included the following activities: evaluating the progress of federal agencies in issuing regulations, providing technical assistance, and establishing and utilizing enforcement mechanisms; assessing efforts of the nonprofit sector in furthering the goals of ADA; tracking ADA litigation and complaints; and identifying exemplary programs that enhance access, improve employment opportunities, and otherwise guarantee the civil rights of people with disabilities. NCD presented its report to the President and Congress in 1993. Entitled *ADA Watch—Year One*, the report provided 22 findings, posed questions for subsequent years' study, and offered 16 recommendations for continued implementation of ADA.

Based on the findings in that report, NCD commissioned a study to determine the status of implementation of ADA Title I in relation to individuals with cognitive impairments. A major area of focus involves ADA's Title I principle of "reasonable accommodation" which appears to be currently applied by employers primarily by

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[3] Baffuto, T., & Boggs, E.M. (1991). What ADA has meant and what it can mean for people with mental retardation. American Rehabilitation, 16(4), 10-14.

Herr, S. (1993). The ADA in International and Developmental Disabilities Perspectives. In: Gostin, L.O., & Beyer, H.A. (Eds.). **Implementing the Americans with Disabilities Act**. Baltimore, MD: Paul H. Brookes Publishing Co., 229-250.

Parry, J. (1994). **Mental Disabilities and the Americans with Disabilities Act: A Practitioner's Guide to Employment, Insurance, Treatment, Public Access, and Housing.** Washington, DC: The American Bar Association.

The Arc and Great Lakes DBTAC (1994). **The Americans with Disabilities Act (ADA) and Working: An Easy-to-Read Book for People with Disabilities.** Arlington, TX: The Arc Publications.

removing or modifying structural barriers that confront people with physical disabilities. Less emphasis, therefore, may be placed on ADA's applicability to reasonable accommodations in relation to structural and programmatic barriers that confront people with cognitive impairments. One likely result of this imbalance is that reasonable accommodations will not be provided for individuals with cognitive impairments in their secondary education and employment training programs, impeding their ability to achieve productivity, independence, and empowerment during their most productive working years.

This report reflects NCD's commitment to and interest in determining the relationships among ADA, select national policies and program initiatives, and the career preparation and employment status of individuals with cognitive impairments. The report provides an analysis of relevant sections of ADA and related legislation; a review of government-sponsored evaluations and professional research in specific areas of labor and education and a national survey about individualization practices in transition and supported employment programs. Based on the various activities that were conducted for this report, the following general findings are made:

1. Overall, educational and employment preparation program outcomes for individuals with disabilities in America are not promising. For example,

   - 36% of all students with disabilities drop out of high school each year,
   - 70% of Hispanics with disabilities drop out of high school by their sophomore year,
   - 43% of youth with disabilities remain unemployed three to five years after high school, and
   - 31% or fewer of Hispanics with disabilities are actually working.

2. The majority of activity and efforts regarding compliance with reasonable accommodation requirements of ADA Title I have focused on architectural modifications made by business and government for employees with disabilities. Other types of work site modifications (e.g., programmatic) are less well understood and applied.

3. There is a well-articulated process of individualization that can be applied in worksites. In addition there is a bank of useful accommodation practices that can be used by employers for employees with cognitive impairments at minimal cost that meet the reasonable accommodation requirements of ADA Title I.

4. Transition and supported employment programs that involve individuals with cognitive impairments often incorporate useful reasonable accommodation strategies at the worksite, including the provision of

   - ❒ job restructuring and task modifications;
   - ❒ co-worker training and on-site problem solving;
   - ❒ job rescheduling that may involve reduced or flexible schedules;
   - ❒ augmentative communication devices;
   - ❒ assistive communication devices, services, or supports; and
   - ❒ systematic on-the-job instruction provided by a job coach.

5. There are hundreds of federal education, career preparation, and employment training programs, yet there is a lack of coordination among those programs, and some citizens (e.g., people with cognitive impairments) may not have access to them. However, some of the most recent domestic program initiatives, such as Goals 2000, School-To-Work, and AmeriCorps, have been coordinated with ADA and hold out the promise of expanding the range of career preparation and employment opportunities for all youth and young adults with disabilities.

6. As a civil rights law, ADA is more than just a means of enforcing compliance with Congress' mandates. It also serves as a means of coordinating relevant federal and state programs and operates as a guidance and informational mechanism for business and government entities that need assistance in providing reasonable accommodations for people with cognitive impairments in work environments.

INTRODUCTION

Inadequate education and work preparation for youth and young adults bear both individual and social costs. The unprepared individual often forgoes significant earnings over a lifetime while contributing to lagging national productivity growth and increasing social welfare costs. For youth and young adults with disabilities, this scenario is all too typical. Youth with disabilities experience substantial difficulties in completing high school programs, accessing post-secondary education programs, and entering meaningful employment. Data from an annual report to Congress reflected that students with disabilities had a higher dropout rate (36%) than any other group of young people; fewer than 17% of youth with disabilities had gained access to post-secondary vocational programs three to five years following high school completion; approximately 43% of youth with disabilities remained unemployed three to five years following high school. Many of those who were employed only worked part-time and many received low wages, and the vast majority of these receiving no medical insurance coverage or other fringe benefits. For many youth with disabilities, the movement from school to adult life has meant sitting idly at home, dependent on family members for support well into adulthood.[4] Minority youth with disabilities are particularly at risk. For example, Hispanic youth were more likely to drop out of school (37%) and had a higher absenteeism rate than African Americans and Caucasians—an average of 22 days absent in the most recent year, compared to 17 and 13 days for African Americans and Caucasians, respectively.[5] According to the U.S. Census Bureau, nearly 7 in 10 Hispanics with disabilities drop out of high school—usually by sophomore year—compared to 4 in 10 non-Hispanics with disabilities. Also, according to the U.S. Census Bureau, fewer than half of Hispanic males with disabilities and about 17% of Hispanic females with

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[4] Office of Special Education Programs (1994). **Fifteenth Annual Report to the U.S. Congress on the Implementation of the Individuals with Disabilities Education Act**. Washington, DC: U.S. Department of Education.

[5] Peters-Rivera, V., and Paulino, E. (1993). **Disabilities in the Hispanic Community**. Washington, DC: Center for Health Promotion, National Council of La Raza.

disabilities are in the labor force, with only 31% of the men and 13% of the women actually working.

Unfortunately, the United States' secondary education and employment training system has evolved into a multitrack system that, according to many experts, increasingly fails to serve youth effectively.[6] In general, current federal grant programs supporting secondary education do not have as their goal aiding comprehensive preparation of youth for work at the state and local levels.[7] Instead, the federal programs are fragmented and narrowly targeted, mostly on specific populations of students—such as the poor, people with disabilities, and those with limited English proficiency—and vocational programs. Federal-state career training programs hold out the promise for the inclusion, independence, and empowerment of individuals in community life. However, unless the nation addresses some of the inconsistencies and gaps in key human services legislation and programs, historically disenfranchised classes of people with disabilities (e.g., those with cognitive impairments) will continue to be overlooked and underserved.[8]

If the intent of key pieces of intergovernmental federal legislation (e.g., ADA, the Rehabilitation Act, the Individuals with Disabilities Education Act [IDEA]) is not being fulfilled, problems and barriers need to be directly addressed before the nation can expect to see improvements in school dropout rates and decreased levels of unemployment among young adults with disabilities. A report involving a nationally representative sample of secondary school students with disabilities indicates the

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[6] United States General Accounting Office (1994). Testimony for the Committee on Government Operations, House of Representatives. **Multiple Employment Training Programs: Major Overhaul Is Needed**. (GAO/T-HEHS-94-109). Washington, DC: Author.

[7] United States General Accounting Office (1993). Testimony for the Committee on Labor and Human Relations, U.S. Senate. **Transition From School to Work: S. 1361 Addresses Components of Comprehensive Strategy**. (GAO/T-HRD-93-31). Washington, DC: Author.

[8] United States General Accounting Office (1993). Report to the Chairman, Subcommittee on Select Education and Civil Rights. **Vocational Rehabilitation: Evidence for Federal Program's Effectiveness Is Mixed**. (GAO/PEMD-93-19). Washington, DC: Author.

following: as of 1990 (a) 44% of 12th graders and 67% of students not assigned to grades had written transition plans; (b) 44.9% of students with mental retardation had work experience program participation; (c) 56.2% of graduates with mental retardation needed vocational assistance upon leaving school; (d) 53.1% of students with mental retardation reported wanting to become competitively employed and 30.9% to be in supported employment as their primary transition planning goal; and (e) 74.6% of students with mental retardation who were out of school less than two years were unemployed, while 63% of students with mental retardation who were out of school between two and three to five years were unemployed.[9]

According to a recent survey for the National Organization on Disability (NOD), about 67% of individuals with disabilities aged 15 to 64 in the United States are unemployed but want to work[10] and that 60% of Americans with disabilities are still not aware of ADA. Additionally, the survey shows that (a) only 47% of people with disabilities believe that others treat them as equals; (b) only 35% are satisfied with their lives in general, compared with 55% of people without disabilities; (c) the percentage of working-age Americans with disabilities who are unemployed (67%) is unchanged since 1986, although 79% say that they want to work; (d) 49% of students and employment trainees with disabilities expect to encounter job discrimination; and (e) 66% of students believe that their disability will have—or has had—a strong negative or somewhat negative effect on their job opportunities.

Data from the Survey of Income and Program Participation (SIPP) reflect that 30.8% of the reported sample of people aged 21 to 64 with mental retardation, are

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[9] SRI International (1993). **The Transition Experiences of Young People with Disabilities: Implications for Policy and Programs**. (Contract No. 300-87-0054). Washington, DC: Office of Special Education Programs, U.S. Department of Education.

[10] Lou Harris and Associates, Inc. (1994). **NOD/Harris Survey of Americans with Disabilities**. New York, NY: Author.

employed.[11] Data from an empirical study of the impact of ADA's implementation from 1990 to 1993 on the employment integration and economic opportunity status of 4,000 adults with mental retardation suggest a mixed bag of outcomes: (a) 59% of participants did not change employment, 25% were engaged in more integrated settings, and 16% regressed into less integrated work settings; (b) average monthly gross incomes of younger participants showed substantial increases while those of older ones did not; and (c) almost 67% of participants who were not employed or were employed in nonintegrated settings in 1990 remained in those settings in 1993.[12] In short, the report and study results do not reflect the kinds of positive outcomes America expects from its public education and employment training systems for individuals with disabilities.

What is the guiding vision for improving the employment status of America's most vulnerable and underemployed citizens—youth and young adults with cognitive impairments? This report answers that question, and others, providing (a) an overview and status report on ADA; (b) a review of transition and supported employment initiatives; (c) an analysis of some current individualization practices in transition and supported employment programs; (d) an analysis of ADA and related federal legislation and activities; (e) a list of conclusions and recommendations for future action by NCD; and (f) an appendix featuring the NCD questionnaire and results. A final appendix briefly describes NCD.

OVERVIEW AND STATUS OF ADA

The spirit and intent of ADA are to strike a fair and proper balance between the rights of people with disabilities and the legitimate concerns of the business community and other entities covered by the legislation. To strike that balance, the conceptual framework and language of ADA emphasize empowerment, independence, and inclusion

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[11] U.S. Department of Commerce (1993). **Americans with Disabilities: 1991-92.** Data from the Survey of Income and Program Participation, Current Population Reports, P70-33, Household Economic Studies. Washington, DC: Author, p.63.

[12] Blanck, P.D. (1994). Empirical Study of the Americans with Disabilities Act (1990-1993). Journal of Vocational Rehabilitation, 4(3), 211-223.

of individuals with disabilities in all aspects of community life. By design, ADA is expected to interface with a host of existing and future laws.

In passing ADA (Public Law 101-336) in 1990, the Congress estimated that there were 43 million Americans with disabilities and found that these individuals had been isolated and segregated, faced restrictions and limitations, occupied an inferior status, and had been seriously disadvantaged. To remedy these problems, ADA established a clear and comprehensive prohibition of discrimination on the basis of disability. ADA defines disability as (a) a physical or mental impairment that substantially limits one or more of the major life activities; (b) a record of such an impairment; or (c) being regarded as having such an impairment. The Act prohibits discrimination in employment (Title I); public services including transportation (Title II); public accommodations (Title III); and telecommunications (Title IV). Title V covers miscellaneous areas such as technical assistance.

A major type of discrimination occurs when protected class members' access to goods and services offered by businesses and federal and state government agencies is limited. For a number of reasons—historical circumstances, conventionality of standards, timing of ADA's phase-in of regulations, relevance to the largest segment of the target population—the majority of applicable ADA regulations concern accessibility, focusing on physical or architectural barriers, such as the width of doorways, the slope of ramps, the readability of signs, and the location of assistive listening devices.[13]

Sources of data about ADA as a compliance and enforcement mechanism include (a) U.S. Equal Employment Opportunity Commission (EEOC) Complaint/Findings (1992-present) and (b) U.S. Department of Justice (DOJ) Complaint/Findings (1992-present). As of June 30, 1995, EEOC had received 49,974 charges under Title I

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[13] 42 U.S.C. 126, Secs. 12101-12213.

of ADA.[14] Of the EEOC total, 173 of those charges have involved complaints from people with mental retardation; none of the 49,974 charges were complaints filed by people with autism or traumatic brain injury. One-quarter of the charges (which were filed between July 26, 1992, and June 30, 1995) involved reasonable accommodations, 14 of which involved complaints by people with mental retardation. As of June 30, 1995, DOJ is investigating nearly 950 complaints against units of state and local government under Title II; more than 1,050 complaints against public accommodations and commercial facilities under Title III; and a number of investigations under way under Title I against public employers. The DOJ complaint/findings data base, however, does not appear to report statistics disaggregated by disability or by nature of complaint.

Studies and evaluations of the status of ADA's implementation have typically involved architectural barriers commonly found in places of public service and public accommodation.[15] In these studies, target populations have primarily been individuals with physical, sensory, or communication impairments. The U.S. Congress Office of Technology Assessment commissioned two reports related to psychiatric disabilities and ADA[16] and published one itself on psychiatric disabilities, employment, and ADA.[17]

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[14] EEOC Tops 33,000 Charges. Disability Compliance Bulletin (September 28, 1994), 5 (10), 5. Horsham, PA: LRP Publications, Inc.

[15] U.S. General Accounting Office (1993). Report to the Chairman, Subcommittee on Select Education and Civil Rights, House of Representatives. **Americans with Disabilities Act: Initial Accessibility Good but Important Barriers Remain**. (GAO/PEMD-93-16). Washington, DC: Author.

U.S. General Accounting Office (1994). Report to the Chairman, Subcommittee on Select Education and Civil Rights, House of Representatives. **Americans with Disabilities Act: Effects of the Law on Access to Goods and Services**. (GAO/PEMD-94-14). Washington, DC: Author.

[16] Emery, B.D., & Mancuso, L.L. (1993). **The ADA and Psychiatric Disabilities: Human Resources to Assist in Implementing Title I**. (NTIS PB 94-140902). Springfield, VA: Author.

Tanasichuk, K.A., & Kirchner, K.A. (1993). **Psychological Testing, the ADA, and Mental Illness**. Washington, DC: Washington Business Group on Health.

[17] U.S. Congress Office of Technology Assessment (1994). **Psychiatric Disabilities, Employment, and the Americans with Disabilities Act**. (OTA-BP-BBS-124). Washington, DC: U.S. Government Printing Office.

While these reports focused on mental disabilities, disabilities such as mental retardation, and other cognitive impairments (e.g., autism and traumatic brain injury) were not considered within the scope of the studies.

Only a few surveys regarding the status of ADA Title I implementation have focused on the types of accommodations in America's business workplaces.[18] In these surveys, accommodations included purchased/made devices; modified work schedules; removed barriers; modified work stations; restructured job duties; and provision of individual assistance. Like the government-commissioned studies and evaluations of ADA implementation, target populations have basically been people with physical, sensory, or communication impairments.

From this analysis of federal agency data bases, relevant studies, evaluations, and surveys, it seems that while ADA is the broadest and most important piece of federal disability rights legislation to date, people with cognitive impairments may be the group least served under the law. A review of the legislative history of ADA, together with an analysis of ADA studies and surveys, reveals three related matters of concern.

First, of all ADA provisions that may affect people with cognitive impairments, the most significant and least understood involve employment issues, including the definition and application of "reasonable accommodations," "auxiliary aids and services," and "undue hardships." Second, there are many accommodations, particularly in school

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[18] United Cerebral Palsy Associations (1992). **National Survey Results Look t Readiness for ADA Access**. Washington, DC: Author.

United Cerebral Palsy Associations (1993). **ADA Report Card on America: Report on ADA in American Businesses**. Washington, DC: Author.

United Cerebral Palsy Associations (1994). **ADA Report Card on America**. Washington, DC: Author.

and at work, that are useful and reasonable.[19] The difficulty is that unlike many of the accommodations for people with physical impairments that are quantifiable in inches or hardware, accommodations for cognitive impairments are more abstract and have yet to be quantified. Third, there is widespread confusion and unsubstantiated concern that most reasonable accommodations may be costly.[20]

Despite the initial concerns among employers about potential increases in the cost of doing business because accommodations must be tailored to each employee with a disability, mounting evidence suggests that such costs are minimal. In one study, half of the accommodations cost little or nothing; another third cost less than $500.[21] In a second study, 50% of accommodations cost less than $50, 69% less than $500, and less than 1% more than $5,000.[22] In a third study, the cost of accommodations proved to be only $100 or less for 60% of business respondents; for an additional 25%, the costs ran between $100 and $500, and the average cost of job accommodations was less than $500.[23] In addition, according to the Job Accommodation Network (JAN) of the President's Committee on Employment of People with Disabilities, employers received an average return of $15 for every dollar they spent in 1993 to accommodate persons

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[19] The President's Committee on Employment of People with Disabilities (1994). **Worksite Accommodations for People with Cognitive Disabilities**. Morgantown, WV: The Job Accommodation Network.

[20] Burkhauser, R.V. (1990). Morality on the Cheap: The Americans with Disabilities Act. Regulation, 3, 47-56.

[21] Berkeley Planning Associates (1982). **A Study of Accommodations Provided to Handicapped Employees by Federal Contractors**. Oakland, CA: Berkeley Planning Associates.

[22] Job Accommodation Network (1987). **Evaluation Survey, April 1987**. Washington, DC: President's Committee on Employment of People with Disabilities.

[23] United Cerebral Palsy Associations (1992). **National Survey Results Look at Readiness for ADA Access**. Washington, DC; Author.

with disabilities.[24] These data are based on a survey of approximately 548 businesses that contacted JAN about accommodating their employees. Some 37% of the survey respondents stated that their organizations had received benefits worth more than $10,000 from their accommodations, while 60% of the respondents claimed benefits ranging from $1 to $10,000.

People with disabilities are protected under ADA Title I if they are otherwise qualified to perform the essential functions of a job.[25] For people with cognitive impairments, the primary impediments to performing essential job functions—and thus to obtaining and maintaining employment—are characteristics or symptoms that affect the ability to think, perceive, act, or react. The key issue is whether the characteristics or symptoms in question interfere with a person's ability to do the essential job functions and, if they do, whether the interference can be managed through reasonable accommodations, so that the potential for poor job performance either does not materialize or, is relatively minor. When such an impairment produces unacceptable job performance, solutions may be suggested by the employee, a work supervisor, a coworker, or some voluntary support system.

With respect to all types of cognitive impairments, the meaning of "otherwise qualified" will depend on the situation and the unique personal characteristics of the person and the disability. For example, with people who have traumatic brain injury, which may result in occasional memory lapses that vary in intensity, the answer may be more difficult to ascertain or may change with the circumstances. In any event, the determination of whether a particular individual can—or will—carry out a job's essential functions must be made on a case-by-case basis. Once it is determined that an individual

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[24] Job Accommodation Network (1994). **Accommodations Cost/Benefit Analysis**. Morgantown, WV: The Job Accommodation Network.

[25] 29 C.F.R. 1630.2(m).

is otherwise qualified to perform the essential functions of a job—or a work training program—it is then necessary to individualize the job program.

Reasonable Accommodations

The legal phrase "reasonable accommodation" was first used with regard to discrimination against people with disabilities in 1977 in the U.S. Department of Health, Education, and Welfare's regulations to implement Section 504 of the Rehabilitation Act of 1973. At that time, the phrase reasonable accommodation applied only to employment practices and was defined only by examples. The U.S. Department of Labor (DOL) also used the phrase "reasonable accommodation" in its regulations implementing Section 503 of the Rehabilitation Act. In that context, reasonable accommodation was part of the obligation of federal contractors to refrain from discrimination and to take affirmative action to employ and promote qualified people with disabilities. DOL regulations specified that contractors "must make a reasonable accommodation to the physical and mental limitations of an employee or applicant...."[26] Section 505 of the Rehabilitation Act of 1973, passed a year after the reasonable accommodation regulations went into effect, permitted courts to consider the "reasonableness of the cost of any appropriate alternatives."[27] In its original sense, then, reasonable accommodation referred only to modifications on the job that took into account disabilities of individual employees and applicants in order to increase their opportunities.

Disability discrimination law has used comparable phrases to convey some of the ideas (e.g., individualization of programs and practices) that reasonable accommodation embodies. Perhaps the most litigated of these is the meaning of "related services," a requirement in IDEA—formerly known as the Education for All Handicapped Children

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[26] See 41 C.F.R. 60.741.6(d) (1982). The regulations used the term reasonable accommodation to cover such workplace modifications as including special equipment, changing the physical layout of the job, eliminating certain duties relating to the job, or providing other accommodations.

[27] 29 U.S.C. 794a(a)(1)(Supp. V 1981).

Act. To provide free appropriate public education, school systems receiving IDEA funds are required to provide special education and related services which may include transportation, corrective and other supportive services, and assistive technology devices and services, to name a few. Historically, courts have often ordered, under Section 504 of the Rehabilitation Act, related services that parents of children who have disabilities have requested both alone[28] and in conjunction with IDEA.[29]

To reiterate, reasonable accommodation law has developed different standards in different societal areas. Federal equal educational opportunity rights (i.e., through IDEA) require public elementary and secondary education systems to tailor their programs to the needs of each student with special education and related service requirements. In the area of employment, however, because the right to equal employment opportunity is not the same as the right to a job, individualization requirements (i.e., for accommodations) are more limited.

ADA mandates that employers provide reasonable accommodations to applicants and employees with disabilities.[30] ADA also lists modifications and adjustments that fall within the framework of reasonable accommodations.[31] The phrase reasonable accommodation functionally means providing or modifying devices, services, or facilities, or changing practices or procedures in order to match a particular person with a program or activity. The underlying goal is to identify aspects of the disability that make it difficult or impossible for the person to perform certain aspects of the job, and then

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[28] New Mexico Association for Retarded Citizens v. New Mexico, 678 F.2d 847, 852-55 (10th Cir. 1982).

[29] Irving Independent School District v. Tatro, 104 S. Ct. 3371 (1984).

[30] The Americans with Disabilities Act, Section 102(b)(5)(A).

[31] See Statement of Rep. Edwards, 136 Cong.Rec. H.4624 (July 12, 1990); See also Statement of Rep. Owens, 136 Cong.Rec. H.4623 (July 12, 1990). Americans with Disabilities Act, Section 101(9). A reasonable accommodation could also include providing an attendant.

determine if there are any modifications or adjustments to the job environment or structure that will enable the person to perform the job.

In what contexts, for whom, in what ways, and to what extent should reasonable accommodations be made for youth and young adults with cognitive impairments? ADA requires employers to provide reasonable accommodations for qualified individuals with cognitive impairments—as for all other people with disabilities—in three contexts: in the hiring process, on the job or at the work site, and in terms of benefits and privileges of employment.[32] Examples of pre-employment reasonable accommodations may include (a) changing the timing of a job interview; (b) changing the interview surroundings; or (c) changing a pre-employment test. Most accommodations for people with cognitive impairments will occur on the job. Examples of work site reasonable accommodations include (a) those to help an employee deal better with stress, such as work environment restructuring, flexible scheduling, and reasonable time off; (b) those to help an individual concentrate on job tasks such as job duty restructuring, providing a private or quiet space for work, and offering job assistance; and (c) those to orient supervisors and coworkers to make all employees more sensitive to the needs of people with cognitive impairments.

Concerning reasonable accommodations with respect to benefits and privileges, ADA requires that employees with cognitive disabilities receive the same benefits and privileges as other employees in similar situations. These include health insurance (ADA does not require a radical departure from standard insurance risk classification practices, but does require actuarial justification of some exclusions), vacation and leave policies (particularly as they relate to an employee's on-the-job performance), salary, holidays, and pensions.

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[32] EEOC & DOJ, 1991, p. I-59, Regulation 1630.9.

EEOC (1992). **A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act**. Washington, DC: Author.

EEOC & DOJ (1991). **The Americans with Disabilities Act Handbook**. Washington, DC: Author.

Auxiliary Aids and Services

Under ADA, protected individuals with disabilities are entitled to certain auxiliary aids and services that would allow them to participate in jobs or work training program activities to the same extent as other people do. How this provision applies to people with cognitive impairments is unclear. The statute divides auxiliary aids and services into four categories: three categories pertain to people with hearing and visual impairments, and a fourth catch-all category includes "other similar services and actions" but does not specify that they need to be related to hearing and vision impairments.[33] These regulatory provisions do not mention cognitive impairments that might affect communication. While it may be more difficult to conceive of aids and services that would specifically benefit such people, communication is an area in which certain aids and services would be beneficial. For example, people with mental retardation may need assistance in reading a department store catalog, menus in a restaurant, or court documents. As a second example, people with traumatic brain injury may need help in recalling personally identifying information at a motor vehicle registration center, a fast food counter, or a local public library. Despite the unclear language of the statute, the auxiliary aids and services regulatory provision would seem to apply to all people with disabilities who experience communication disorders, including certain people with cognitive impairments.

Undue Hardship

ADA's regulations do not make undue hardship a part of the definition of reasonable accommodation, as Section 504 of the Rehabilitation Act does. Instead, undue hardship is a defense to an accusation that discrimination occurred because a reasonable accommodation was not made. From ADA's regulations, the analysis used to determine whether providing an accommodation would create an undue hardship includes factors such as the size and financial resources of the employer, the nature of the workplace, and the impact of the accommodation on the employer's operations.

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[33] 42 U.S.C. 12102.

Given the stigma society attaches to people with cognitive impairments, it is important to note that in deciding whether an undue hardship would be created employers, may not rely on other employees' negative opinions about the proposed accommodations. To deal with this kind of problem, the employer may find it expedient to take steps to sensitize staff to the needs of employees who have cognitive impairments. Because of the potential costs involved, it is unlikely that highly intensive training would be required for all staff; yet, at a minimum, some type of training or orientation might be necessary in certain situations.

For example, a Washington federal court held that a Veterans Administration (VA) hospital failed to make adequate accommodations for a laundry worker with mental retardation and emotional problems. As a result, she was discharged due to intolerable conditions.[34] The court found that although the hospital made some efforts to accommodate her interpersonal and emotional problems, they were inadequate. The supervisor had not complied with the hospital's policy of taking a "soft approach" to disciplining her, and the hospital had not followed through on the planned sensitivity training for her coworkers. These failures rendered attempted accommodations ineffective. The court also found that the worker was discharged because of her disability. The taunting from coworkers and the criticism and inappropriate discipline by the supervisor were targeted at her disabilities. The court reinstated the worker and ordered the VA hospital to pay the reasonable costs of staff training, counseling, and rehabilitation. Decisions about what is or is not an undue hardship will be made on a case-by-case basis using the criteria set forth in ADA regulations.[35]

The Process of Individualization

The process of individualization involves making reasonable accommodations, providing auxiliary aids and services, and determining undue hardships. The process

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[34] Kent v. Derwinski, 790 F. Supp. 1032 (E.D. Wash. 1991), 16 MPDLR 519.

[35] 29 C.F.R. 1630.2(p)(2)(i-v).

should proceed in a rational and systematic fashion. If a qualified employee (or trainee) with a disability identifies the need for an accommodation, the employer (or trainer) should make a fair attempt to provide an accommodation that will give the individual an opportunity to be equally effective in performing a job's essential functions and to enjoy benefits and privileges equal to those enjoyed by other employees.

Individuals with disabilities are themselves often in the best position to suggest appropriate accommodations, as they are most familiar with the strengths and weaknesses they present with the best ways to adjust jobs, training situations, and environments to address conditions related to their impairments. If a suitable accommodation is not apparent, the employer and employee should engage in what EEOC refers to as an "informal, interactive process" to determine a reasonable accommodation. This process involves talking to the individual with the disability about that person's particular abilities and limitations as they pertain to a job's essential functions or the benefits or privileges in question. The discussion should identify the barriers to performance or participation in the benefit or privilege, and should evaluate how an accommodation might overcome these barriers. Also in consultation with the individual with the disability, the employer should identify possible accommodations and consider each one's effectiveness.

EEOC advises that if several effective accommodations would provide equal employment opportunity, the employer should consider the individual's preferences and select an accommodation that in most suitable for both parties. While an employer should consider an individual's preferences, EEOC notes that the employer is free to choose among effective accommodations and to pick one that is easier to provide or is less expensive. (Employees or trainees with disabilities, however, need not accept accommodations they did not request and that they consider unnecessary.) If rejecting a proposed accommodation renders a person unable to perform a job's essential functions, the person with the disability may no longer be qualified for the position.

Ensuring that the process of individualization is implemented with integrity is, perhaps, most important during periods of (a) multifaceted post-high-school preparation of youth and young adults with disabilities; and (b) work during which youth and young adults with disabilities may require workplace support. In both instances, success in postsecondary environments requires a "goodness-of-fit" among the person with a disability, a demanding community environment, and other participants in that setting (e.g., coworkers, college instructors). Such a goodness-of-fit often may be achieved only through a carefully planned, sequenced, and executed series of accommodations among people, environments, and the interactions between them.

In recognition of this need for a goodness-of-fit, federal and state service systems have designed two policy/program initiatives to address the complex and demanding post-secondary periods in the lives of youth and young adults with disabilities. One policy/program initiative is called "transition"; the other is termed "supported employment."

TRANSITION AND SUPPORTED EMPLOYMENT: A REVIEW

Historically, transition problems that followed students' graduation were demonstrated in the data on access to and results of services to adults with severe disabilities. For example, in one follow-up study of high school graduates before IDEA changed the configuration of special education programs,[36] Stansfield found that 40% of graduates were receiving no vocational services and that 94% continued to live at home with their parents. In 1983, the U.S. Department of Education (DOED), Office of Special Education and Rehabilitative Services (OSERS), identified the transition from school to work as one of the major federal priorities of special education programs

[36] Stansfield, J.S. (1976). Graduation: What happens to the retarded child when he grows up? Exceptional Children, 39, 548.

across the nation.[37] The decision to develop this school-to-work transition initiative was prompted by numerous studies and reports conducted during the early 1980s, which uniformly found high levels of unemployment, economic instability and dependence, and social isolation among young adults with disabilities.[38]

Since 1985, significant research and demonstration activities have ensued for the explicit purpose of improving the transition of youth with disabilities from school to work, post-secondary education, and community living.[39] For the approximately 250,000 to 300,000 students who exited their public special education programs each year, the transition policy initiative was an attempt to focus the nation's resources and vision to help those students achieve valued adult lifestyles. Throughout the 1980s, school-to-work transition services for youth with disabilities expanded, principally emphasizing (a) state and local efforts to improve the high school curriculum to address students' development of functional skills for work and community living; (b) opportunities for students to learn in real-world contexts (i.e., work sites and other community-based settings); (c) increased student and family participation in the development of transition plans focused on a range of post-school outcomes in the areas of employment, post-secondary education, and community living; and (d) concerted efforts to increase the level and intensity of interagency cooperation among educators, employers, and community service agencies in addressing the transition needs of secondary students with disabilities.

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[37] Will, M. (1983). OSERS **Programming for the Transition of Youth with Severe Disabilities: Bridges From School to Work Life**. Washington, DC: OSERS.

[38] Mithaug, D.E., Horiuchi, C.N., & Fanning, P.N. (1985). A report on the Colorado statewide follow-up survey of special education students. Exceptional Children, 51(6), 397-404.

Schalock, R.L., Wolzen, B., Feis, P., Werbel, G., & Peterson, K. (1984). Post-secondary committee placement of individuals with mental retardation: A five-year follow-up analysis. Paper presented at the American Association on Mental Deficiency. Annual Convention, Minneapolis, MN.

[39] Leach, L.N., & Harmon, A.S. (1993). **Annotated Bibliography on Secondary Special Education and Transitional Services,** v.8. (H158T00001). By the Transition Research Institute of Illinois, for the U.S. Department of Education. Champaign, IL: Author.

The results of other post-school follow-up studies suggest that students with disabilities have a very difficult time adjusting to life after graduation from high school. During their final years in school, these youth remain dependent on others to make decisions, assess performance, and make linkages with service agencies.[40] Rarely are they taught, required, or invited to advocate their own interests.[41] The unemployment, underemployment, undereducation, and continued dependence on parents; social isolation; and lack of involvement in community-oriented activities characteristic of many individuals with disabilities are factors that foster continued dependence among youth in transition.

Beginning in 1991, OSERS initiated a new grant system for states to overhaul and expand transition services to youth with disabilities. OSERS funded 12 states in the first year, 12 states in 1992, and 6 more states in 1993. Statewide transition projects are required to focus on six common elements: (a) individualized education program (IEP)/transition planning; (b) assessment; (c) student empowerment; (d) parent and family involvement; (e) curriculum and instruction change; and (f) school-community coordination. These statewide transition systems are funded on five-year cycles; states also receive technical assistance and evaluation services from the National Transition Network, a nationwide consortium of universities.

The past decade has also witnessed the evolution of a vocational service technology for persons with severe disabilities known as supported employment. Supported employment, which was a complement to the OSERS 1983 policy/program school-to-work-and-adult-life initiative, was instituted in 1986. Through the 1986 Title VI-C program, Congress identified the potential value of supported employment's "place

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[40] Chadsky-Rusch, J., Rusch, F., & O'Reilly, M.F. (1991). Transition from school to integrated communities. Remedial and Special Education, 12(6), 23-33.

[41] Mithaug, D.E., Martin, J.E., Agran, M., & Rusch, F. (1988). **Why Special Education Graduates Fail: How To Teach Them To Succeed**. Colorado Springs, CO: Ascent Publications.

and train" integrated, competitive employment model as a critical part of the rehabilitation program for many individuals.

By Fiscal Year 1990, state vocational rehabilitation systems were able to identify a total of 74,657 supported employment participants, of whom 30,782 (41%) were receiving time-limited services and 43,785 (59%) were receiving extended services.[42] As of 1990, persons primarily with labels of mild mental retardation were the primary participants involved in supported employment, accounting for 64% and 66% of all supported employment participants in either time-limited or extended services. As of 1990, persons with traumatic brain injury represented 2% and .4% of the supported employment participants in time-limited and extended services, respectively. As of 1990, persons with autism were included in a cluster group of supported employment participants that accounted for 6% of time-limited services and 5% of extended services.

There can be no doubt that the progress made from 1986 to 1994 in implementing supported employment in the United States has been dramatic. Indeed, in less than a decade, adults and youth with disabilities have gone from virtually no participation to a projected 90,000 people across 50 states. The presence of supported employment as a community employment option has changed the standard of acceptability by families and consumers. No longer is acceptance into an adult activity center viewed as the best goal for a student who is leaving special education; instead, the goal is to have a competitive employment position.

Supported employment has shown signs of being a cost-effective alternative to other vocational programs such as sheltered workshops that are supported by many state governments across the country. The benefits of supported employment are greater because gainfully employed people pay taxes, depend less on public programs, and

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[42] Wehman, P. (1992). **Achievements and Challenges: A Five-Year Report on the Status of the National Supported Employment Initiative**. Virginia Commonwealth University (Cooperative Agreement #H133B8005291), U.S. Department of Education, National Institute on Disability and Rehabilitation Research. Richmond, VA: Author.

contribute money to the state economy. Moreover, people who in the past were segregated can enjoy the same community benefits as do people without disabilities. Despite the potential advantages of supported employment, however, as of 1994, the bulk of state funds for persons with disabilities still go to sheltered workshops or day treatment centers. Unfortunately, probably fewer than 1 in 10 individuals with cognitive impairments are getting a fair opportunity to participate in supported employment nationwide.

From its inception, the mission of supported employment has been to facilitate integrated employment for those with the most severe disabilities. However, of persons with mental retardation in supported employment, the percentage of individuals with severe or profound mental retardation remained at approximately 12% from 1986 to 1990. Although the 12% participation rate by those with severe and profound mental retardation exceeds the prevalence rate for this group, these individuals should be among the highest-served target groups of the Title VI-C program. Similarly, other groups with severe disabilities (e.g., autism and traumatic brain injury) should be participating in supported employment programs at much higher rates than they have been. A number of states, however, may serve as models for inclusion of persons with more severe disabilities—specifically, cognitive impairments—including Connecticut, Oregon, Vermont, and Pennsylvania.

To address the continuing lack of individualized opportunities for people with severe disabilities in supported employment, the Title VI-C program of the 1992 Rehabilitation Act included (a) changing the supported employment definition to reemphasize a program focus on people with the most severe disabilities; (b) adding "intensive" supported employment services to the definition; (c) providing for extension of services beyond the 18-month time limit under certain conditions; (d) adding "extended services" to the definition; and (e) mandating increased choice (Section 105).

The reauthorized Rehabilitation Act of 1992 clearly set a federal policy in place to empower people with disabilities in the rehabilitation process.

Disability laws in the United States such as ADA and the Rehabilitation Act amendments, as well as related federal laws and domestic policy initiatives, certainly appear to support freedom of choice and equal opportunity for postsecondary education, work training, and employment. Federal laws and policy/program initiatives, such as transition and supported employment, should be part of a coherent policy framework essential to assisting young Americans with cognitive impairments in achieving meaningful post-school outcomes, such as paid work. Collectively, these laws, policies, and programs are intended to assist youth and young adults in preparing for both work and lifelong learning pursuits, achieving higher academic standards and occupational skills, integrating academic learning in applied and community-based settings, involving youth with disabilities in workplace learning and technical preparation programs, and actively engaging employers and the business community in the planning and design of school-to-work transition services.

Unfortunately, judging from reviews and evaluations of school-to-work[43] and vocational training programs,[44] the intended outcomes are not yet being achieved. National criticism has also been voiced in recent years in terms of individual federal employment training programs such as vocational rehabilitation[45] and the Job Training

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[43] Kazdis, R. and Barton, P. (1993). **Improving the Transition from School to Work in the United States**. Washington, DC: American Youth Policy Forum.

[44] Office of Research (1994). **National Assessment of Vocational Education: Interim Report to Congress**. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.

United States General Accounting Office (1993). Report to Congressional Requesters, U.S. Senate. **Vocational Education: Status in 2-Year Colleges in 1990-91 and Early Signs of Change**. (GAO/HRD-93-89). Washington, DC: Author.

[45] United States General Accounting Office (1993). Report to the Chairman, Subcommittee on Select Education and Civil Rights. **Vocational Rehabilitation: Evidence for Federal Program's Effectiveness Is Mixed**. (GA/PEMD-93-19). Washington, DC: Author.

Partnership Act (JTPA),[46] as well as the group of 154 employment training programs funded at $25 billion annually in the U.S. and run by 14 federal departments and agencies.[47] Some professionals have charged that until recently federal, state, and local governments do not appear to have coordinated and targeted existing practices and policies that could directly maximize the power of transition and supported employment.[48]

From the data and analyses presented in this section, it appears that at least three sets of interrelated conditions exist related to poor outcomes for youth and young adults with disabilities. First, many youths and young adults with disabilities apparently do not learn and use the skills they need to achieve productivity, empowerment, and independence. Second, service programs and environments may not be providing the types of reasonable accommodations necessary to support youths and young adults with disabilities in training or employment situations. Third, the absence of a comprehensive national policy and services system to help youths with disabilities move into responsible adulthood may be a contributing factor to these disappointing results. These conditions will be rectified, it is hoped, by building on and redirecting attention to existing practices and policy provisions and by the current Administration's efforts involving intergovernmental education and labor reform.

What do transition and supported employment-related programs do to individualize their services and supports for individuals with disabilities, particularly people with cognitive impairments? How are local programs adhering to the spirit of

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[46] United States General Accounting Office (1993). **The Job Training Partnership Act: Potential for Program Improvements but National Job Training Strategy Needed**. (GAO/T-HRD-93-18). Washington, DC: Author.

[47] United States General Accounting Office (1994). Testimony Before the Committee on Government Operations, House of Representatives. **Multiple Employment Training Programs: Major Overhaul Is Needed**. (GAO/T-HEHS-94-109). Washington, DC: Author.

[48] Mank, D. (1994). The underachievement of supported employment: A call for reinvestment. Journal of Disability Policy Studies, 5(2), 13-17.

the reasonable accommodations provision of the Americans with Disabilities Act? The next section provides some insight.

TRANSITION AND SUPPORTED EMPLOYMENT: SOME CURRENT INDIVIDUALIZATION PRACTICES

Public school officials, vocational specialists, and employers are requesting information and becomingly increasingly aware of the importance of being in compliance with applicable requirements of the Americans with Disabilities Act.[49] The nation's continued emphasis on school-to-work transitions and supported employment for people with disabilities suggests that human service systems, businesses, and industries must become proficient with both ADA's technical compliance standards (e.g., reasonable accommodations) and the means to achieve meaningful implementation of those standards (e.g., through the process of individualization).

Seminal efforts to document attempts to achieve meaningful implementation with select provisions of ADA Title I currently exist.[50] However, much of this seminal information may not be readily available to segments of the public (e.g., small business employers, secondary school personnel, and individuals with cognitive impairments) that could probably benefit, for example, from having direct access to (a) the 20,000-plus

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[49] Zirkel, P.A. (1994). New section 504/ADA checklist. The Special Educator, 10, 33-38.

[50] The President's Committee on Employment of People with Disabilities (1994). **Worksite Accommodations for People with Cognitive Disabilities**. Morgantown, WV: The Job Accommodation Network.

Hagner, D., and Abdow, E. (1994). A Closer Look at Workplace Support. Presentation at the American Association on Mental Retardation Annual Conference, Boston, MA.

Abt Associates, Inc. (1994). **The Second Year (FY-1993) of the NIDRR ADA Technical Assistance Initiative: Promoting Implementation of the Americans with Disabilities Act of 1990.** (Contract No. HN91041001). Cambridge, MA: Author.

barrier-solutions data—or case studies—maintained by JAN; and (b) the 25,000-plus problem-solutions data maintained by EEOC. To expand upon some of these seminal efforts regarding the implementation of select ADA Title I provisions, NCD surveyed (see Appendix A) secondary-school transition and post-secondary vocational service programs.

Questionnaire Findings

Three hundred questionnaires were mailed in early summer of 1994 to various program providers who were identified as serving individuals with cognitive impairments. Of that number, 73 completed questionnaires (or almost 25%) were returned by late summer of 1994. Each questionnaire consisted of 13 items involving type of worksite; number of workers or trainees and their proportion by disability group; degree of assistance required; level of inclusion of high school graduates with disabilities and types of credentials required of them; incentives for hiring individuals with disabilities; types of jobs people are trained for and average number of hours provided for training; types of reasonable accommodations provided for individuals with cognitive impairments; and additional needs in terms of expanding reasonable accommodations. The following data and discussion summarizes the findings from those 73 questionnaires (see Appendix A for complete findings).

The majority of the questionnaire respondents (52 of 73, or 71%) report that their work sites are run by nonprofit agencies; 13 of the 73 respondents (18%) are university-based programs; 7 of the 73 respondents (10%) are high-school-based programs; and 1 of the 73 respondents (1%) operates a technical-college-based program. In response to a different questionnaire item, about 37% of the respondents indicate that they currently serve fewer than 25 persons at their work sites, compared with about 63% of respondents that indicate that they serve over 25 persons at their work sites.

The majority of the questionnaire respondents also indicate that their trainees work part-time (77%), at minimum wage (67%), or above minimum wage (65%). Fewer than a majority of respondents indicate that their trainees work as volunteers (43%), below minimum wage (37%), seasonally (27%), or as high school student interns (25%).

Two of the 73 respondents (or 2%) say that they serve only one type of disability group, as compared with 71 of the 73 respondents (or 98%) who report that they serve individuals who represent a variety of disability groups. More specifically, respondents say they are serving a range of disability groups to varying degrees: mental retardation (80%), multiple disabilities (65%), traumatic brain injury (58%), autism (48%), learning disabilities (45%), emotional disorders (42%), other health impairments (42%), visual impairments (41%), hearing impairments (40%), orthopedic impairments (33%), mental illness (30%), and deafness and blindness (18%). In response to a different questionnaire item, the respondents indicate that of all the people with disabilities they serve, 69% require a minimal degree of assistance, 82% require a moderate degree of assistance, and 68% require a major degree of assistance.

Approximately 60% of all respondents claim that their work forces presently include high school graduates with disabilities, and about 38% state that they do not. Some of the more common ways in which respondents say that their work sites recruit students with disabilities involve referrals and recommendations from school systems, teachers, and families; advertisements, mailout notices, and fliers; and contacts with local and state service agencies. Some of the less common ways in which respondents say that their work sites recruit students with disabilities involve direct outreach to students through such means as job or career fairs; school transition programs prior to graduation; and student self-referral. A number of respondents whose work forces do include high school graduates indicate that they require some credentials from those graduates: high school diploma (15%); high school certificate (7%); high school grade transcript (5%); previous job experience (13%); previous job recommendation (13%); attendance record (8%); personal health insurance (3%); personal transportation

arrangements (10%); driver's license (5%); evidence of citizenship (24%). Eleven respondents (15%) report that they require no evidence or documentation from high school graduates.

A majority of the respondents (77%) think that by including people with disabilities a project builds a positive image; 73% of the respondents indicate that it enables persons with disabilities to become taxpayers; 33% of the respondents indicate that a project can qualify for targeted jobs tax credits; 33% list other consequences of including people with disabilities—allowing people to achieve community independence and building self-esteem, to name two; 7% of respondents indicate that a project's image is not affected by including people with disabilities; and 2% of the respondents report that a project builds a negative image by including people with disabilities.

According to a majority of respondents (61%), people are being trained for jobs in the cluster areas of janitorial/maintenance, food service, clerical, groundskeeping/ horticulture, and stockwork/warehousing. Twenty percent of respondents generally indicated that they train people for all kinds of jobs; 12% of respondents claim that they train people based on their needs and interests; and 7% of the respondents claim to train people strictly for entry-level jobs. For workers being trained for entry-level positions, respondents report that: (a) 16% provide less than 1 day of training; (b) 13% provide from 1 to 5 days of training; (c) 19% provide from 5 to 10 days of training; and (d) 48% provide from 11 days to several months of training.

When asked about the types of reasonable accommodations provided at work sites, 59 of the 73 respondents reported a total of 136 individual responses within the areas of flexibility, supervision, emotional support, physical accommodations at the workplace, wages and benefits, dealing with coworker attitudes, and other resources. A ranking of those 136 responses, in terms of frequency of citation, yields the following: (a) supervision, with 38 responses, equal to 28% of the total of 136 responses; (b) physical

accommodations at the workplace with 37 responses, or 27%; (c) flexibility, with 27 responses, or 20%; (d) other resources, with 18 responses, or 13%; (e) emotional support, with 8 responses, or 6%; (f) dealing with coworkers' attitudes, with 6 responses, or 4%; and (g) wages and benefits, with 2 responses, or 1% of the total of 136 responses. The Table depicts a breakdown of the 136 individual responses regarding reasonable accommodations; the table follows the format for reasonable accommodations published by the President's Committee for the Employment of People with Disabilities.

Fifty (50) individual responses were provided to the questionnaire item asking about what respondents need to provide effective reasonable accommodations to the people they serve at their work sites. Of those 50 individual responses, two overwhelming themes reflect that respondents need (a) more funding of any kind, (e.g., federal or state dollars, or tax incentives) and (b) more staff training of all kinds, from personnel in businesses and industries to staff in regular education service systems. In addition, respondents claim that to provide more effective reasonable accommodations they need: good consistent models, more technology and equipment, more structural accommodations, more modified equipment, more accessible transportation, and greater availability of knowledge and information about transition and supported employment to the community at large.

NCD's report continues with an examination of ADA's relationship to: (a) the Vocational Rehabilitation Act; (b) the School-to-Work Opportunities Act; (c) IDEA; (d) the Goals 2000: Educate America Act; (e) the National Community Services Trust Act; and (f) the National Performance Review-Reinventing Government Initiative.

Table
Reasonable Accommodation Responses

Flexibility

- ❒ Providing self-paced workload and flexible hours
- ❒ Allowing people to work at home and providing necessary equipment
- ❒ Providing more job-sharing responsibilities
- ❒ Modifying job responsibilities
- ❒ Providing supported employment opportunities
- ❒ Keeping the job open and providing a liberal leave policy (e.g., granting up to two months of unpaid leave if it does not cause an undue hardship on the employer)
- ❒ Providing backup coverage when the employee needs special or extended leave
- ❒ Providing the opportunity to move laterally, change jobs, or change supervisors within same organization so a person can find a good job fit
- ❒ Providing time off for professional counseling
- ❒ Allowing exchange of work duties
- ❒ Providing conflict resolution mechanisms

Supervision

- ❒ Providing written job instructions
- ❒ Providing significant levels of structure and/or one-on-one supervision dealing with content and interpersonal skills
- ❒ Providing easy access to supervisor
- ❒ Providing guidelines for feedback on problem areas and developing strategies to anticipate and deal with problems before they arise
- ❒ Arranging for an individual to work with supportive, understanding supervisor
- ❒ Providing individualized agreements

Emotional Support

- ❒ Providing praise and positive reinforcement
- ❒ Being tolerant of different behaviors
- ❒ Making counseling and employee assistance programs available for employees
- ❒ Allowing phone calls during work to friends or others for needed support
- ❒ Providing substance abuse recovery support groups and one-on-one counseling
- ❒ Providing support for people in the hospital (e.g., visits, cards, and calls)
- ❒ Providing an advocate to advise and support employees

- ❒ Identifying employees willing to help employees with psychiatric disabilities
- ❒ Providing on-site crisis intervention services
- ❒ Providing a 24-hour hotline for problems
- ❒ Providing natural supports

Physical Accommodations at the Workplace

- ❒ Modifying work area to minimize distractions
- ❒ Modifying work area for privacy
- ❒ Providing an environment that is smoke-free; has reduced noise, natural light, and easy access to the outside; and is well-ventilated
- ❒ Providing accommodations for any additional impairment (e.g., an employee with a psychiatric disability may have a visual or mobility impairment, calling for accommodation such as like large print for written work, or a three-wheel scooter.)

Wages and Benefits

- ❒ Providing adequate wages and benefits
- ❒ Providing health insurance coverage that does not exclude preexisting conditions, including psychiatric disabilities, HIV, and cancer
- ❒ Permitting sick leave for emotional or physical well-being
- ❒ Providing assistance with child care, transportation, care for aging parents, housing, etc.
- ❒ Providing specialized training opportunities

Dealing with Coworkers' Attitudes

- ❒ Providing sensitivity training for coworkers
- ❒ Facilitating open discussions among workers with and without disabilities, encouraging them to articulate feelings and to develop strategies to deal with these issues
- ❒ Developing a system of rewards for coworkers without disabilities based on their acceptance and support for their coworkers with disabilities

Other Resources

- ❒ Ensuring the availability accessible transportation
- ❒ Providing assistive technology

INTERPLAY BETWEEN ADA AND RELATED FEDERAL LEGISLATION AND INITIATIVES

Because of the broad nature of its coverage, ADA leaves almost no aspect of life untouched. For example, ADA charges the U.S. Department of Transportation (DOT) with the enforcement of Title II. DOJ also has enforcement jurisdiction for Title II—which bans employment discrimination by state and local governments—and for Title III. The Federal Communications Commission (FCC) is responsible for enforcement of Title IV. Because of the broad scope of ADA, several federal authorities are responsible for the sometimes overlapping provisions of ADA—including its nexus to the Rehabilitation Act. For instance, the law charges EEOC, DOJ, and Office of Federal Contract Compliance Programs (in DOL) to "establish such coordinating mechanisms...in regulations implementing this title and the Rehabilitation Act of 1973 not later than 18 months after the date of enactment of this Act."[51]

As mentioned, specifically within ADA's breadth and scope of coverage lies the Vocational Rehabilitation Act. Following passage of ADA in 1990, many individuals with disabilities, and their advocates and families, turned their focus to the Rehabilitation Act as a major vehicle for achieving full participation in the social and economic mainstream of our nation. Citing great dissatisfaction with the existing system, the community sent a loud call to Congress for significant change: rewrite the Vocational Rehabilitation Act to ensure that the programs it authorizes empower persons with disabilities with choice; assist them in finding and maintaining meaningful employment; and promote independence, productivity, and full integration into the work force and the community. In short, use the principles, policies, and values of ADA as an overlay or "lens" through which public policy is viewed and implemented. Congress and the President responded in kind by passing and signing P.L. 102-569, the Rehabilitation Act Amendments of 1992. Subsequent concerns about the effectiveness of the federal

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[51] 42 U.S.C. 12117(b).

rehabilitation program for people with severe disabilities and for minorities with disabilities[52] have heightened the nation's interest in the ADA-Rehabilitation Act interface.

ADA overlay for the reauthorized Rehabilitation Act required several critical amendments to ensure access to rehabilitation services and supports. First, the reauthorized Act began with a presumption of ability—that people can achieve employment and other rehabilitation goals regardless of the severity of disability if appropriate services and supports are made available. Second, the Act indicated that any comprehensive assessment of an individual with a disability should focus on the person's unique strengths, resources, priorities, interests, and needs. Third, recognizing that many students with disabilities exiting school systems may require assistance from the rehabilitation system, the Act in Section 103 gave transition services a definition identical to that included in IDEA—as described later in this section. Fourth, the Act stated that the technology and/or the personal assistance needs of individuals with disabilities must be addressed as needed in each person's individualized written rehabilitation program.

Beyond its legislatively explicit relationship with the Rehabilitation Act, through its role as an integrative and coordinative mechanism for related federal and state laws and regulations, ADA also applies to the School-to-Work Opportunities Act (STWO) (P.L. 103-239). Jointly administered by the departments of Education and Labor, STWO authorizes federal venture capital to support the development and implementation of state and local school-to-work systems. These systems must have three main elements: work-based learning (providing participating students with work experience and on-the-job training); school-based learning (upgrading and integrating the academic and occupational skills participating students learn in school); and program coordination to aid the planning, implementation, and operation of the program. States

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[52] National Council on Disability (1993). **Meeting the Unique Needs of Minorities with Disabilities**. Washington, DC: Author.

may apply for development grants to develop school-to-work plans and five-year implementation grants to establish their systems. Grant applicants are permitted considerable flexibility to develop and implement systems congruent with particular state and local needs and preferences but must incorporate certain common elements such as the three previously mentioned. Federal support under the Act is limited. States must show how they will use state, local, private, and federal funds from programs such as JTPA and the Carl D. Perkins Vocational and Applied Technology Education Act to sustain their school-to-work programs. States can apply for waivers from statutory and regulatory requirements for particular education and training programs to aid them in coordinating programs and to help ensure that other federal resources will be available.

The School-To-Work Opportunity Act is targeted to all students. The definition of "all" means students from a broad range of backgrounds, including students with disabilities.[53] It is expected that local and state programs will be developed by creating new programs and augmenting existing programs such as tech-prep education, career academies, youth apprenticeship, cooperative education, and business-education compacts. On July 18, 1994, Education Secretary Richard Riley and Labor Secretary Robert Reich announced that the Clinton Administration would award $43 million in grants to eight states to implement systems that move young people from school to work. The 1994 awards made under the STWO Act went to Kentucky, Maine, Massachusetts, Michigan, New Jersey, New York, Oregon, and Wisconsin, in grants that range from $2 to $10 million. In 1995, an additional set of 19 multiyear state STWO awards were made in amounts equivalent to the previous year's awards. The 1995 awards, sharing more than $74 million in funding, were made to Alaska, Arizona, Colorado, Florida, Hawaii, Idaho, Indiana, Iowa, Maryland, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Pennsylvania, Utah, Vermont, Washington, and West Virginia. In May of 1995, a national school-to-work snapshot survey was released which showed that 116,351 students, 2,730 schools, and 41,772 employers were involved in school-to-work programs

[53] Federal Register (March 9, 1994) v 59 (46) 11155.

after just one year. It is not clear how many of those students were individuals with disabilities.

Similarly, two federal education laws that involve employment preparation are also impacted by ADA: (a) IDEA (with its emphasis on secondary and transition services) and (b) the Goals 2000: Educate America Act (notably goal #2 and goal #5). In 1990, Congress enacted IDEA (Public Law 101-476). Several sections of the regulations published in the fall of 1992 specifically pertain to the transition of students with disabilities from school to work and adult life.[54] As stipulated within the regulations, transition services means "a coordinated set of activities for students, designed within an outcome-oriented process which promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing in adult education, adult services, independent living, or community participation."[55] The coordinated activities are to be based upon the individual student's needs, taking into account the student's preferences and interests, and are to include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

In 1994, Congress passed the Goals 2000: Educate America Act (Public Law 103-227). Similar to ADA's coordinative role, Goals 2000 is the first step toward developing linkages between federal initiatives and state and local systemic reforms. Goals 2000 is designed to serve all students. Title III of Goals 2000 authorizes formula grant assistance to support systemic education reform undertaken by states and localities. Systemic reform calls for establishment of educational goals and standards and alignment of all elements in an educational system with those goals and standards. Under this legislation, five years of support is authorized, with states applying separately for first-

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[54] House Report 101-544, pp.10-11.

[55] 34 C.F.R. 300.18(b)(2)(i).

year funding and for funding for the second through fifth years of support. State educational agencies (SEAs) use funds to develop and implement state improvement plans, undertake authorized reform activities, and finance reform activities by local educational agencies (LEAs) and schools. Among required elements in the state plans is the development of curriculum content standards (defining the broad knowledge and skills students should acquire in different subject areas); student performance standards (identifying the different levels of achievement of the content standards that students should exhibit); and appropriate assessments, as well as opportunity-to-learn standards or strategies (defining the resources and services needed to give students an opportunity to meet performance standards). The bulk of each state's Goals 2000 funding is to be allocated to LEAs for development and implementation of local improvement plans and for grants to individual schools for reform activities or to LEAs and other recipients for professional development activities.

Of the eight voluntary national goals of Goals 2000, two highlight the need to improve outcomes for all secondary-age students. National education goal #2 places a high priority on improving school completion rates among all of America's secondary students. Goal #2 calls for the elimination of the gap in high school completion rates between American students with minority backgrounds and their non-minority counterparts. Although not mentioned explicitly, there is also a need to eliminate gaps that exist for any group of American students, including students with disabilities. Currently, estimates of school completion rates indicate that 83% of all students complete school, 78% of students from African-American backgrounds complete school, 60% of students from Hispanic backgrounds complete school, and 56% of students with disabilities complete school. The National Longitudinal Transition Study or NLTS (1988-1992), commissioned by DOED, Office of Special Education Programs, has verified that the national dropout rate for students with disabilities is higher than other national rates typically reported.

National education goal #5 focuses on adult literacy and lifelong learning. One of the objectives of goal #5 is to ensure that all workers have the opportunity to acquire the skills, from basic to highly technical, needed to adapt to emerging technologies, work methods, and markets, through public and private educational, vocational, technical, workplace, and other programs. National education goal #5 also calls for a substantial increase in the proportion of qualified students, especially minorities (and individuals with disabilities) who enter college, who complete at least two years, and who complete their degree programs. While this objective is important, it must be recognized that minorities and students with disabilities are entering post-secondary training institutions at lower rates than other students, and that concerted efforts are needed to increase these rates. NLTS (1988-1992) found dramatically lower levels of participation among young adults with disabilities in postsecondary education programs (fewer than 17% of these youth enter formal post-secondary training upon completion of their high school programs). States report that more emphasis must be placed on extending to individuals with disabilities the types of supports and accommodations that improve their likelihood of successfully participating in and completing post-secondary education programs. This support also includes full attention to the placement services these individuals need to successfully achieve meaningful outcomes in the work force.

The movement of youth with disabilities from school to work is also supported and addressed through amendments to several federal acts in the disciplines of vocational rehabilitation, vocational education, and job training. School-to-work transition language is specifically contained within the Carl D. Perkins Vocational and Applied Technology Act of 1990 and the Job Training Reform Amendments of 1992. The purpose of the Perkins Act is to improve overall vocational education program quality and ensure access to vocational programs for all students, including those from certain targeted groups, such as students with disabilities. Perkins Act funding is the Federal Government's primary form of assistance to states and local school districts for vocational education, providing about $1 billion for vocational education. While the Perkins Act provides only 10 % of vocational education funding nationwide, many vocational education experts

view its provisions as a driving force in setting national vocational education priorities. During the 1990-1991 school year, the number of 10th-, 11th-, and 12th-grade vocational education students with disabilities equaled 252,048 (out of a total of 3.5 million); during the 1991-1992 school year, the numbers were similar.[56] Of the total number of high school vocational education students with disabilities in 1990-1991, (a) 14,375—or 5.7% of the total—were involved in tech-prep school-to-work transition activities; (b) 41,743—or 16.6% of the total—were involved in work-study/cooperative education school-to-work transition activities; and (c) 3,187—or 1.3% of the total—were involved in apprenticeship school-to-work transition activities.[57] Service providers and services made available to vocational education students with disabilities during the 1990-1991 school year included, but were not limited to teachers' aides, interpreters, readers, counseling, guidance, curriculum modifications, exposure to paid and unpaid jobs, evaluations, assessments, special or modified equipment, career counseling, job development, resume preparation, job-search assistance, job coaching, mentoring, and support groups.[58]

Nationally, the participation rates of youth with disabilities in JTPA or JTPA-sponsored programs are low and vary extensively from state to state. For example, during the 1991 program year, 271,391 adults were terminated from Title II-A programs. Of this number, 29,715 were adults with disabilities. This represents 10.9% of all adult terminees from Title II-A programs. Also during program year 1991, 234,758 youth were terminated from Title II-A programs, of whom 38,021 were youth with disabilities, representing 14.9% of those served. A review of data from individual states shows that several report high levels of participation among students with disabilities in youth-supported JTPA programs (Hawaii, 36.7%; New Hampshire, 41.7%; Vermont, 33.3%;

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[56] United States General Accounting Office (1993). Report to Congressional Requesters, U.S. Senate. **Vocational Education: Status in School Year 1990-91 and Early Signs of Change at Secondary Level**. (GAO/HRD-93-71: 63). Washington, DC: Author.

[57] Ibid. 67.

[58] Ibid. 70-71.

and Virginia, 34.4%). These trends also show slight increases over previous years in the participation of youth with disabilities in JTPA programs.

Under the Job Training Reform Amendments of 1992 (Public Law 103-367) youth and adults with disabilities were extended new opportunities. The amendments promote the importance and availability of transition services under Title II, Part C, Youth Training Program Provisions. In the statement of purpose (Section 261), the amendments state, "It is the purpose of the program assisted under this part...to assist youth in addressing problems that impair the ability of youth to make successful transitions from school to work, apprenticeship, the military, or postsecondary education and training."

In addition, ADA applies to education and work-related federal legislation such as the National and Community Services Trust Act (Public Law 103-82). This new law is intended to engage Americans in meeting critical needs through direct community-based service. Through this law, President Clinton created AmeriCorps, a program funded at $153 million for 1994 which is expected to allow young people to earn education benefits in exchange for grassroots community service. Through the requirements of ADA, individuals with disabilities are specifically included as part of this initiative.[59] AmeriCorps focuses national service efforts on four priority issues facing communities across the nation. These four priorities address (a) education—school readiness, school success; (b) public safety—crime prevention, crime control; (c) human needs—health, home; and (d) environment—neighborhood environment, natural environment. In 1994, in its first year of operation, AmeriCorps aimed to involve 20,000 service participants in making long-term commitments to national service. Youths and young adults with disabilities were specifically encouraged to participate in the program. The special needs of persons with disabilities were taken into account in several ways. First, individuals

[59] 45 C.F.R. 2522.210(b)(1)(C).

with physical or cognitive disabilities without a high school diploma or a general equivalency diploma (GED) were eligible participants in AmeriCorps' programs. Provisions also specify that the program is to remain open to such persons up to 27 years of age. Second, AmeriCorps allowed grant applicants to request additional funds to provide reasonable accommodations for service participants if needed. Third, the AmeriCorps program provided opportunities for grantees to ensure that people with disabilities are involved both as service providers (e.g., the 20,000 targeted service participants) and as service recipients (e.g., individuals included in school success community service programs). Overall, in its first year of operation, 59 national and 296 state AmeriCorps grants were funded. Additionally, a national training and technical assistance grant on diversity—for disability issues—was funded to infuse AmeriCorps with the guiding vision of ADA.

One final federal initiative deserves consideration and comment. The National Performance Review—Reinventing Government initiative is an effort by the Clinton Administration to redesign, reinvent, and reinvigorate the entire national government.[60] This initiative has four main goals: (a) cutting red tape; (b) putting customers first; (c) empowering employees to get results; and (d) cutting back to basics. The goal of putting customers first reflects one expected change in how the Federal Government relates to the American people and includes a set of action recommendations including establishing customer service standards, conducting customer surveys, and creating one-stop career development centers, to name a few. Although these actions are presumably comprehensive in scope and should fall within the purview of ADA, people with disabilities do not appear to be among the targeted recipients for reinvented government. For example, in the chapter entitled "Putting Customers First," the 1993 Gore report on the initiative calls for the following action:

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[60] Gore, A. (1993). **Creating a Government That Works Better and Costs Less: Report of the National Performance Review**. (ISBN:0-8129-2365-0), 1. Washington, DC: U.S. Government Printing Office.

"Create a system of competitive, one-stop career management centers across the country, open to all Americans—regardless of race, gender, age, income, employment experience, or skills" (p. 49, last paragraph).

Consistent with this recommendation, DOL has issued a $50 million grant announcement regarding one-stop career centers.[61] Whether, and to what degree, students with disabilities are customers who will be put first by these one-stop grants remains to be seen.

CONCLUSIONS AND RECOMMENDATIONS FOR ACTION

The United States' social and human service systems are undergoing rapid and immense changes, in part because of the series of work and educational reforms promoted by the Clinton Administration and by the 103rd Congress. The common programmatic themes that will drive these reforms include

- motivating students to learn and teachers to teach;
- emphasizing the importance of educational productivity;
- reconceptualizing transition to recognize the reality and importance of both paid and unpaid work, the classroom as a workplace, the student as a worker, and the teacher as a worker;
- acquiring a desire to work as a means of increasing self-esteem and contributing to society;
- providing career awareness, career exploration, and career decision-making assistance to youth; and
- establishing and operating truly collaborative working relationships between the education system and the broader community.

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[61] Federal Register (July 15, 1994) v 59(135) 36225.

The federal and state governments have a prominent role to play vis-a-vis these reforms and with respect to ADA's prohibition on exclusion of individuals with cognitive impairments from American life. Achieving inclusion, as viewed through ADA's values and civil rights lens, requires federal monitoring and enforcement, technical assistance, research, guidance, and long-term follow-up. While some headway has been made at the federal level in this regard, it is certainly too soon to tell whether and to what degree states and local communities will adhere to the mandates and the spirit of ADA Title I as they also begin to implement newly enacted work and education reforms.

Judging from the nation's progress so far in relation to ADA Title I implementation and individuals with disabilities, there is considerable work to be done. ADA awareness and access among people with disabilities, generally, is low; among individuals with cognitive impairments it is relatively lower. On the one hand, there is little published information regarding the scope of effective ADA Title I implementation by school systems and businesses that are involved with individuals with cognitive impairments. On the other hand, the availability and utility of reasonable accommodations provided by select transition and supported employment programs is being documented. Most of these programs purportedly need an infusion of fiscal resources and claim that schools and businesses require ongoing training about fundamental ADA mandates (reasonable accommodation, undue hardship, and auxiliary aids and services). However, the bulk of the federal, state, and local ADA implementation activity seems to be geared primarily toward people with physical, sensory, or communication disabilities.

Not surprisingly, the overall long-term prospects for all people with disabilities do not look favorable at this point in time. The nation is without an integrated policy or comprehensive plan toward disability, ADA, and the current network of education and work reforms. Laws, regulations, programs, and services at the federal, state, and local levels are not reviewed regularly to ensure that they are philosophically and programmatically in tune with the spirit and letter of ADA.

As part of America's ongoing commitment to furthering the goals of ADA, two national agencies recently conducted consensus conferences designed to initiate dialogue on furthering the goals of ADA through disability policy research; identifying resources and infrastructures available to enhance the ADA implementation process; and articulating steps that can be taken to monitor the implementation of the Act.[62] Consistent with the findings and recommendations of those conference efforts and based on the findings of NCD's present study, recommendations are now offered related to the following three themes: (a) steps for building infrastructures (e.g., greater coordination among federal agencies concerned with ADA Title I and related social policy); (b) steps in establishing priorities that could yield short-term impact (e.g., establishing a set of policy-oriented implementation indicators); and (c) steps in establishing priorities that could yield impact over the long term (e.g., developing functional data bases of reasonable accommodations).

Recommendations to Policymakers

1. Actively resist the temptation to judge ADA as strictly a compliance and enforcement mechanism. Assess ADA in terms of its function both as a coordinative or integrative mechanism for all related social policy legislation and as a technical assistance and guidance/information mechanism for those entities that implement its provisions.

2. Review, revise, and refine current and future legislation, funding streams, and programs to comport with the spirit, intent, and language of ADA Title I, for all persons with disabilities, particularly for individuals with cognitive impairments.

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[62] National Council on Disability (1993). **Furthering the Goals of the Americans with Disabilities Act Through Disability Policy Research in the 1990s**. Washington, DC: Author.

President's Committee on Employment of People with Disabilities (1993). **Operation People First: Towards a National Disability Policy**. Washington, DC: Author.

3. Promote the infusion of knowledge about ADA (e.g., what works regarding reasonable accommodations for individuals with cognitive impairments) within and across all areas of federal, state, and local governments, public-private partnerships focusing on school and workplace improvements, and among all of America's citizens.

4. Build and reinforce data- and information-sharing crosswalks within and across executive, legislative, and judicial branch agencies regarding the implementation of ADA Title I.

Recommendations to Business and Industry Leaders

1. Comply with the spirit and intent of ADA Title I principles such as reasonable accommodation, undue hardship, and auxiliary aids and services, particularly as they apply to individuals with cognitive impairments.

2. Encourage the development of transition and supported employment programs between schools and businesses that realistically incorporate expectations of educational and industrial productivity among participating individuals with cognitive impairments.

3. Expect timely and useful data and information about successful and unsuccessful accommodation strategies for individuals with cognitive impairments in workplace settings.

Recommendations to School System Personnel

1. Teach students with cognitive impairments about the spirit, intent, and individual utility of ADA Title I, as well as the process of individualization, through meaningful life experiences.

2. Document successful and unsuccessful examples of ADA Title I implementation, and share those examples with other educators, students, parents, and so on.

3. Infuse ADA information throughout school systems' K-12 grade curricula.

4. Develop and implement reasonable accommodation plans, per ADA Title I, for all students who have individualized education programs or individual transition plans.

Recommendations to the Disability Community

1. Ensure that all people with disabilities, especially individuals with cognitive impairments, are empowered with functional knowledge about ADA Title I.

2. Expect that schooling and employment service systems will fully and faithfully comply, through the process of individualization, with fundamental ADA Title I mandates regarding reasonable accommodation, undue hardship, and auxiliary aids and services.

3. Build coalitions both with other disenfranchised populations, as well as majority groups, to promote the full inclusion of individuals with cognitive impairments into the educational/employment mainstream of American society.

APPENDIX A

NCD QUESTIONNAIRE
ADA AND INDIVIDUALS WITH COGNITIVE IMPAIRMENTS

1. **What type of work site do you operate?** (Please check one)

   18% University-based

   1% Technical college-based

   10% High-school-based

   71% Other (Please specify) _____

2. **Approximately how many persons do you currently serve in your work site?**

   37% Under 25 63% Over 25

3. **Do any of your trainees work?** (Please check all that apply)

   37% Below minimum wage
   67% At minimum wage
   65% Above minimum wage

   27% Seasonally
   43% As volunteers
   25% As high school student interns

   77% Part-time

4. **What percent of the people you serve might be labeled with...?** (Estimate percentage by disability label)

   41% Visual impairments
   80% Mental retardation
   42% Emotional disorders
   45% Learning disabilities
   65% Multiple disabilities
   58% Traumatic brain injury
   42% Other health impairments

   40% Hearing impairments
   48% Autism
   30% Mental illness
   18% Deafness-blindness
   31% Deafness
   33% Orthopedic impairments

5. **On average, what degree of assistance do the people you serve require?**
(Estimate by percent)

69% Minimal 82% Moderate 68% Major

6. **How does your worksite recruit students with disabilities?**

- ❒ Referral of students to the demonstration grant/program by school system
- ❒ Internal selection, teacher referral, individual education plan (IEP);
- ❒ Via school personnel
- ❒ Referral from school systems
- ❒ Through work experiences provided as part of individuals' IEP
- ❒ Self, agency, family
- ❒ Direct mail, vocational rehabilitation, posters, fliers
- ❒ Through references from school for supported employment services, and educating parents about supported employment's availability
- ❒ From a vendor of supported employment
- ❒ Referrals from high school counselors, transition specialists, teachers, etc.
- ❒ Advertisements
- ❒ Automatic referrals of people exiting school system
- ❒ Through employer-sponsored training and internships
- ❒ Advertising on campus, and through department faculty, counselors, rehabilitation department
- ❒ Provision of printed information
- ❒ Ongoing instruction and collaboration with public school departments of special education and vocational education
- ❒ Through the state department of mental retardation;
- ❒ Teacher referral, IEP team recommendation;
- ❒ By referral;
- ❒ Word of mouth;

- ❒ Teacher and family recommendation or request
- ❒ Newspaper releases, fliers in the community, contact with special education staff/student/parent at each IEP meeting
- ❒ Through cooperative agreements between school districts in the state;
- ❒ Referral process with area developmental disabilities services and vocational rehabilitation
- ❒ Through high school vocational rehabilitation and employment specialists in process, through fliers and personal contacts with university center for students with disabilities
- ❒ School transition programs prior to graduation
- ❒ Referral from special school district
- ❒ Through case management at the "point of entry" agency
- ❒ Social service network, vocational agency, word of mouth, families, community
- ❒ Via local support agencies
- ❒ Through high school special education teachers and programs
- ❒ Mailouts, referrals from other agencies, word of mouth
- ❒ Classified ads and referrals
- ❒ Via local schools
- ❒ Through linkages with the local school system
- ❒ Via contacts with medical facilities, schools, colleges, government agencies, employment training centers, employers, former customers, families
- ❒ Referrals from schools and state agencies
- ❒ From division of mental retardation, division of mental health, mental retardation center
- ❒ Networking with staff
- ❒ Via state rehabilitation and community-centered board
- ❒ Through university-based self-advocacy program

- ❒ Networking with schools and vocational rehabilitation counselors, and advertising to schools and parents
- ❒ Via mailroom, summer interns
- ❒ Through school visits
- ❒ Advertising and word of mouth
- ❒ Department of rehabilitation services referrals, career fairs, direct mail
- ❒ For students with moderate and severe disabilities, through transition planning process
- ❒ Transition from school
- ❒ Through case management outreach
- ❒ Service coordination with local referral agencies (i.e., department of rehabilitation, community services board) on individual basis
- ❒ Referrals by department of rehabilitation services, community services board, and the public school system
- ❒ Job announcements, articles in the newspaper, word of mouth, vocational rehabilitation
- ❒ Collaborative personnel preparation program (graduate trainees develop/implement community-based vocational education, recruit students from local schools and collaborate with school personnel)
- ❒ Job fairs, word of mouth, college vocational offices, voc rehab referrals
- ❒ Through contacts with teachers, probation officers, public health nurse, social workers, and mental health agencies; students self-referral
- ❒ Direct employer contact, client advocacy
- ❒ IEPs; teacher and family education
- ❒ Through the school districts
- ❒ Via public agencies

7. **Does your work site presently include high school graduates with disabilities?**

60% Yes 38% No

If "yes," how many graduates with a disability are currently included in your work site? ___

8. **If your work site includes high school graduates, what credentials do you require?** (Check all that apply)

15% high school diploma
7% high school certificate
5% high school grade transcript
13% previous job experience(s)
13% previous job recommendation(s)
8% attendance record
3% personal health insurance
10% personal transportation arrangements
5% driver's license
24% evidence of citizenship
15% other (Please specify) _____
16% no evidence or documentation required

9. **By including persons with disabilities, do you think that a project...?** (Please check all that apply)

77% Builds a positive image
2% Builds a negative image
7% Image is not affected
33% Can qualify for targeted jobs tax credits (TJTC)
73% Enables persons with disabilities to become taxpayers
33% Other (Please specify) _____

10. **What kind of jobs do you train people for?** (Please explain briefly)

- ❒ Entry-level service positions
- ❒ Maintenance and repair of buildings, clerical support
- ❒ Landscaping, custodial/housekeeping
- ❒ All kinds
- ❒ Job sampling opportunities provided in a variety of areas (i.e., retail, customer service, janitorial, housekeeping, horticulture, fast foods, etc.)
- ❒ Hospital jobs, environmental services, food services, print shop, warehouse
- ❒ More than 30 different vocational programs (community college response)
- ❒ Various—tailored to individuals' strengths and interests—from janitorial to secretarial, from libraries to veterinarian clinics
- ❒ Custodial crews, food service, beverage container redemption, tomato processing, clerical work
- ❒ Hospital laundry, fast food, lawn maintenance
- ❒ Management and volunteerism
- ❒ Shelf stocker, custodian, warehouse person, packaging, assembly, fabrication, food services, grounds maintenance
- ❒ Housecleaning/janitorial, assembly, bulk mailing, microfilming
- ❒ Food service, hospital stockroom, maintenance of lawns
- ❒ Office, info and referral counseling
- ❒ Varies—from minimum-wage positions (dishwashers, food prep, retail sales) to jobs requiring basic technical skills
- ❒ Industrial assembly, horticulture
- ❒ Clerical, custodial, dietary/food service, assembly/manufacturing, grounds maintenance, print/bindery
- ❒ Based on job market
- ❒ Their choice

- ❒ Professional skilled allied health disciplines—clerical, technicians
- ❒ Needs-driven training for all individuals served
- ❒ Wide range of jobs
- ❒ Commercial office, residential cleaning, floor care
- ❒ Clerical (banks, credit unions, insurance), retail, food service
- ❒ Across wide range of industries and occupations...entry level is common denominator
- ❒ Housekeeping
- ❒ People trained in the job that meets their interest and qualifications
- ❒ Medical records, messenger, lab assistant, receptionist, food services, environmental services, stock
- ❒ Any job that meets students' skills and abilities and labor market needs
- ❒ Entry-level jobs in professional, technical, managerial, and clerical areas
- ❒ Clerical and computer positions, food service and janitorial work
- ❒ Competitive placements in areas of interest
- ❒ Professional
- ❒ What they can and prefer to do, via on-the-job training or internships
- ❒ How to advocate for themselves, what their rights are, and what to do if their rights are violated
- ❒ All types, large number in service sector and assembly
- ❒ Clerical, professional
- ❒ 50 plus diplomas and degree occupations (e.g., mechanics, graphics, heating and air conditioning, paramedics, building operations, machine shop, TV production, office occupations, dental assistant, dental labs, dental hygiene, etc.)
- ❒ Service industry, clerical/computers, physical labor
- ❒ Varies—train on-site in community settings
- ❒ Custodial/maid services, mailing/bindery, electronic assembly, micrographics

- ❒ Food, laundry, mailroom, custodial, groundskeeping, assembly packaging
- ❒ Industrial (janitorial), clerical, food service
- ❒ Mailroom, delivery services, computer word processing and data processing, home resource workers
- ❒ Dental assistant, emergency medical technician, med records technician, occupational therapist, assistant licensed practical nurse, accounting technician and assistant, microcomputer, etc.,
- ❒ Everything found on college campus, unskilled–skilled–managerial
- ❒ Printing, graphic arts, office/computer applications
- ❒ Jobs similar to pre-morbid placements
- ❒ Manufacturing, production, entry-level
- ❒ Training in self-advocacy skills
- ❒ Office, custodial, housekeeping, food services, retail, clerical, customer service

11. **What is the average number of hours provided for training a new worker in an entry-level position?** (Please check one)

16% Less than 1 day

13% 1 to 5 days

19% 5 to 10 days

48% Other (Please specify) _____

12. **What type(s) of reasonable accommodations do your provide for people with cognitive impairments (i.e., mental retardation, autism, and traumatic brain injury)?**

(Please list and/or explain each accommodation briefly; if you need additional space use the back of this page)

- ❒ Picture cues of job duties, coworker support/supervision, job-task sharing, identification of jobs with only one to two job duties, specific systematic

instruction from the job trainer, teaching individual a consistent pattern of job performance

- ❒ Longer time span to complete projects, transportation if public transportation is undesirable
- ❒ Job restructuring and task modifications, communication book/picture card cues
- ❒ Job coach, coworker training, troubleshooting
- ❒ Modified workstations
- ❒ Job coach—to provide ongoing support, transportation (accessible)—to be as independent as possible on the way to work, augmentative/alternative modes of communication and other assistive technology as needed
- ❒ Job/task sequence cards and labels, job sharing, work scheduling consideration for persons using public transportation and special needs transportation
- ❒ Accommodations is defined by the person—we try to not only accommodate but educate, barriers to space, support needs to people, employment assistant programs—circles of support—natural support of employees
- ❒ Most accommodations in training and supervision, writing instructions, break down tasks, ask employee to repeat instructions, lots of feedback
- ❒ Job coaching, jigs, natural supports, alternate transportation
- ❒ Transportation, traditional therapies (physical therapy, occupational therapy, speech), as well as recreation, green therapy (horticulture), pet therapy with puppies, nursing services, residential training, job coaching, vocational training, etc.
- ❒ Learning style—make sure you use communication methods that work depending upon style (written memos not verbal directions), buy the necessary computer equipment for a person with multiple disabilities
- ❒ Job restructuring and rescheduling, systematic instruction

- ❒ Reduced or flexible schedules, job coaches, adaptive equipment
- ❒ Frequent supervision and prompts, assistance with life problems, consultation for whole office on interactional issues, assistance regarding plan to self-support, emotional support
- ❒ Helping people to use picture schedules and timers, using computerized flow charts, rearranging the order with which tasks must be accomplished
- ❒ We have very few and attempt to provide a good work environment and experience to gain confidence, training or retraining to provide skills
- ❒ Have allowed extra time and other accommodations as requested
- ❒ Ensure that our meetings and support services are accessible to all interested individuals, we limit our activities to traumatic brain injury
- ❒ Provide staff assistance for people who need help with personal needs—eating and bathrooming, modified restrooms
- ❒ Direct staff supervision and training of individuals from ratio of 1:2 to 1:10, periods of 1:1 supervision of training, wheelchair-lift equipped van for one site, consultation with occupational therapist, physical therapist, speech/language pathologist, and behavioral psychologist, completely accessible sites, subcontracted procurement services in community and in sheltered workshops, supported employment placement/job development, individual service plans for each person
- ❒ Job/task restructuring, coworker/natural supports, flexible scheduling, equipment modifications
- ❒ Rest periods
- ❒ To work with behaviors takes time, we sure have a lot of problems to solve
- ❒ Individualizations
- ❒ Rearranging the job, altering work hours, providing support (coworkers), job sharing, physical alteration of tasks
- ❒ Cue cards, assistive technology, wheelchair control templates

- ❒ On an individual basis examples are—diagrams, checklists, photo reminders, flip charts, buddy
- ❒ Have assistive technology department
- ❒ Job adaptation/alteration, ongoing support from an employment specialist, self-management devices/strategies, prosthetic devices as needed
- ❒ Compensatory strategy development—i.e., notebooks, calendars, checklists, assistive technology—i.e., screen magnifiers, reach/handling devices, tape recorders, shoes, etc., lighting in a room (lamps vs. overhead), voice amplifiers, scheduling (due to transportation), workplace environment modifications
- ❒ Work task analysis and breakdown, work task adaptations, supervision prompting/job coach, identified employee contact for assistance, employee assistance program, alternative formats of instruction sheets/details
- ❒ Individual assistance—one-on-one, personal choice—then programming, shorten work hours to suit the needs of the individual, specific skills training for their desired position, wheelchair accessibility, staff training in the areas of disabilities of the people we serve
- ❒ All accommodations are provided by the employer; we assist employers with identifying accommodations and adaptive needs of each student
- ❒ Carved job duties, provision of extra training, shorter hours, lowered production requirements
- ❒ Downscale and increase training, time and materials, add additional staff
- ❒ Jobs carved according to person's skills/interests, flexible scheduling, materials/equipment modification, procedural changes to enable person to perform tasks, job coaching and coworker assistance
- ❒ Most accommodations focus on communication/training processes with emphasis on being creative without compromising the employer's production and quality standards
- ❒ Checkoff lists, assistance with travel arrangements, retraining as needed

- ❒ Supported employment—trained professional goes on the job site to recommend adaptations and compensatory strategies; provides individual instruction too, changes in work schedules, various assistive technology devices
- ❒ Work site modification including rehab engineering and work task modifications
- ❒ Memory notebook, instruction cards, job coaches to teach and reinforce cognitive strategies
- ❒ Job coaches, assistive technology including sensory aids and computers, job restructuring, job placement follow-up/follow-along services including disability awareness training and technical assistance during employee's orientation and adjustment on the job
- ❒ Flexible schedule, task analysis, assistive technology
- ❒ Reduced hours, additional staffing, jigs/fixtures/adaptive equipment, visual and verbal prompting
- ❒ More supervision, adjust work hours, adjust job duties, lighting adjustment, staff/coworker training, computer, visual enhancements, work space
- ❒ Problem-solving systems/contracts (pictorial/words/auditory), job task checklists (pictorial/words/auditory), mentoring, positive reinforcement strategies, preference and "can I do the job" forms
- ❒ Accessible office space, access to phones, access to limited and conference room space, access to some office supplies
- ❒ Physical support, worksite adaptations—lights/tactile sensors/jigs to adapt work to physical limits, interpreters, readers
- ❒ All types of environmental and assistive technologies
- ❒ Large computer screens, office space, summarized information
- ❒ Extra training

- ❒ Tutoring, modified work tasks, extended learning times, modified curriculum, developmental classes, interpreters for hearing impaired, readers, notebooks
- ❒ Whatever it takes, whatever technology offers at this time
- ❒ Minimized reading and written language requirements; accentuation of hands on tasks
- ❒ Neuro-page—alpha, numeric paging device for on-task behaviors and directions, task sequencing—written and visual and verbal, on-site behavioral interventions, job counseling, educational strategies for cognitive impairments
- ❒ Job coaching, visual cues, natural supports in workplace and community
- ❒ Job assistants who drive, take notes, meet personal needs
- ❒ Job coach, assistive technology for communications, task analyses or restructuring of job tasks

13. **Is there anything that you or your work site program needs that could improve your program's impact, particularly in terms of expanding reasonable accommodations for individuals with disabilities whom you serve?**

- ❒ Systematic observations and accommodations, job sites need technical assistants, picture cues for placement of supplies
- ❒ More staffing and training for employees who are not impaired
- ❒ Regular education staff training and orientation to programs and procedures
- ❒ Habilitation funding for persons with traumatic brain injury...living support
- ❒ Good consistent models, expectations that are clear for all parties, time to always continue to train and educate

- ❒ On-line computer access to accommodation resources such as Job Accommodation Network, that are tailored to local accommodation resources....Also assistance for applicants with disabilities to negotiate for reasonable accommodations
- ❒ More staff, more money to train staff, marketing tools
- ❒ More industry-staff training and orientation toward people with disabilities
- ❒ More opportunities to educate others about the potential of supported employment, less emphasis/reliance on legal system to enforce
- ❒ More money for technology and equipment
- ❒ Site is too new to know
- ❒ Modify entry doors to open automatically, install light emergency signalling, renovate additional bathrooms, install several more wheelchair ramps, change heavy (internal) doors to ones that open easier
- ❒ More flexibility in state contracts, coordination of state licensing contracts and regulatións, state funding to support stated philosophical goals, state support for long-term follow-up, more money
- ❒ Industry orientation to disability issues (myths, stereotypes, potential)
- ❒ Long-term supports for more involved individuals
- ❒ Funding
- ❒ Continued staff training to train people with disabilities to be leaders
- ❒ Access to regular educational vocational training sites
- ❒ Education tools
- ❒ Staffing dollars—without staff support, the accommodations are meaningless
- ❒ All accommodations are identified by employers, we help with identification and adaptation of accommodations
- ❒ Additional staff allocations
- ❒ Tax incentives to the business clientele, waiver of union scale and descriptions, increase in public relations regarding the value of work for

people with disabilities, incentives to manufacturers to develop equipment that can be adapted at reasonable prices

- ❒ Probably...but so far we've been doing okay
- ❒ Money for additional staff and training, an expanding economy, further entré to the workplace
- ❒ Telecommunication device for the deaf (TDD), more funding for supported employment/job coaches
- ❒ Better access to technology, quicker access to technology and rehab engineers
- ❒ Probably not
- ❒ More info sent to employers specifically regarding the low-to-no-cost of the majority of all reasonable accommodations
- ❒ Yes...business needs to know more
- ❒ More available/accessible transportation—nights/weekends/broader coverage, more realistic job experiences in high school
- ❒ More accessible restrooms, wider bathroom stalls, elevators
- ❒ Funding, more creative consultation with low-tech alternatives
- ❒ More state and federal funds
- ❒ TDD/teletypewriter (TTY)
- ❒ Expanded training resources, money for subsidized employment
- ❒ Fire alarms for hearing impaired, TDD for compliance, automatic doors on front entrance, more restrooms with accommodations, more professionally trained tutors
- ❒ Transportation, money, personnel, technology
- ❒ More community awareness...by sensitizing citizens to the needs of people with disabilities...at an early age in educational systems
- ❒ Funding, availability of a rehab engineer to evaluate the work site when accommodations are needed

- ❒ Better communication with employers/coworkers, use and adaptation ongoing training/ed. and support mechanisms
- ❒ Adaptive computers—a newer/better voice synthesizer, etc., specific to disability, more trained staff for learning lab sites to provide assistance in basic skills
- ❒ More money, time, and staff
- ❒ This work site is lacking in space, we are too crowded to accommodate those with physical disabilities
- ❒ We need funding to continue our grant project which will be up in 10/95
- ❒ Knowledge, resources (money)
- ❒ Money
- ❒ A less cumbersome and more productive system of job coach recruitment (currently) when students reach a high degree of independence, job coaches lose their position
- ❒ More comfortable work environment

APPENDIX B

NATIONAL COUNCIL ON DISABILITY: A BRIEF DESCRIPTION

Overview and Purpose

The National Council on Disability is an independent federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. NCD was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency. The overall purpose of NCD is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Specific Duties

The current statutory mandate of NCD includes the following:

- Reviewing and evaluating, on a continuing basis, policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies, including programs established or assisted under the Rehabilitation Act of 1973, as amended, or under the Developmental Disabilities Assistance and Bill of Rights Act, as well as all statutes and regulations pertaining to federal programs that assist such individuals with disabilities, in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities.
- Reviewing and evaluating, on a continuing basis, new and emerging disability policy issues affecting individuals with disabilities at the federal, state, and local levels and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and

policies that operate as disincentives for the individuals to seek and retain employment.

- ❒ Making recommendations to the President, the Congress, the Secretary of Education, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of federal agencies; respecting ways to better promote equal opportunity, economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for Americans with disabilities.
- ❒ Providing the Congress, on a continuing basis, advice, recommendations, legislative proposals, and any additional information that the Council or the Congress deems appropriate.
- ❒ Gathering information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- ❒ Advising the President, the Congress, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services within the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under the Rehabilitation Act of 1973, as amended.
- ❒ Providing advice to the Commissioner with respect to the policies and conduct of the Rehabilitation Services Administration.
- ❒ Making recommendations to the Director of the National Institute on Disability and Rehabilitation Research on ways to improve research, service, administration, and the collection, dissemination, and implementation of research findings affecting persons with disabilities.
- ❒ Providing advice regarding priorities for the activities of the Interagency Disability Coordinating Council and reviewing the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities.

- ❒ Preparing and submitting to the President and the Congress an annual report entitled *National Disability Policy: A Progress Report*.
- ❒ Preparing and submitting to the Congress and the President an annual report containing a summary of the activities and accomplishments of the Council.

Population Served and Current Activities

While many government agencies deal with issues and programs affecting people with disabilities, NCD is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. NCD recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by assuring an informed and coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in community and family life.

NCD plays a major role in developing disability policy in America. In fact, it was the Council that originally proposed what eventually became the Americans with Disabilities Act (ADA) of 1990. NCD's present list of key issues includes improving personal assistance services, promoting health care reform, including students with disabilities in high-quality programs in typical neighborhood schools, promoting equal employment and community housing opportunities, monitoring the implementation of ADA, improving assistive technology, and ensuring that persons with disabilities who are members of minority groups fully participate in society.

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